

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00030

Antione Thomas,

Plaintiff,

v.

Michael J. West et al.

Defendants.

O R D E R

Plaintiff Antione Thomas, currently confined within the Texas Department of Criminal Justice proceeding pro se and *in forma pauperis*, filed this lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love.

On September 9, 2022, the magistrate judge issued a report recommending that plaintiff's lawsuit be dismissed, with prejudice, under 28 U.S.C. § 1915A(b)(1) based on judicial immunity, prosecutorial immunity, and the failure to state a claim upon which relief may be granted. The magistrate judge further recommended that barred claims be dismissed with prejudice to their being asserted again until the *Heck* conditions are met. Doc. 23; *see Heck v. Humphrey*, 512 U.S. 477 (1994). A copy of this report was sent to plaintiff at his last-known address. Plaintiff filed timely objections. Doc. 24.

When timely objections to a magistrate judge's report and recommendation are filed, the court reviews them de novo. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Plaintiff's objections confirm the accuracy of the magistrate judge's report. In his objections, plaintiff argues that he is innocent and complains about his state conviction—insisting that the state court violated due process, interfered with his defense, denied motions, and abused its discretion. He also states that the

prosecutors engaged in misconduct and that his indictment was defective. All of these claims are without merit and/or barred by *Heck*.

Having reviewed the magistrate judge's report de novo, the court accepts the findings and recommendations. Plaintiff's objections (Doc. 24) are overruled. Plaintiff's lawsuit is dismissed, with prejudice, under 28 U.S.C. §1915A(b)(1) and until the *Heck* conditions are met. All motions pending in this civil action are denied.

So ordered by the court on November 29, 2022.



J. CAMPBELL BARKER
United States District Judge